

REMARKS

This application has been carefully reviewed in view of the above-referenced Office Action, and reconsideration is requested in view of the following remarks.

Interview Summary

Upon review of the current Office Action, the undersigned was confused by the apparent indication of allowance of claims accompanying explanations of rejections. A telephone call placed to Examiner Moorthy clarified that there are no remaining prior art rejections. Applicant appreciates the acknowledgement that the claims are allowable over the cited art. A further interview was arranged and conducted on May 15, 2007 in an effort to clarify how the claims could be amended to overcome the remaining rejections. The above amendments were made in response to this later interview.

During the interview, the undersigned explained his understanding of the issue surrounding the §112 issues and proposed an amendment. The issue, as understood, is that the digital television signal does not necessarily include packets other than those of “the packet type”. The amendment proposed to clarify that the television signal includes more than packets of the packet type. Thus, inserting the multiple encrypted packets into the digital television signal in place of the packets of the packet type now clearly renders the digital television signal to be partially multiple encrypted. Mr. Moorthy indicated that he thought I understood, but wished to see the proposed claim amendments to assure that they take care of the issue.

Regarding the §101 issues, the undersigned submits that the claims are statutory and noted to Examiner Moorthy that the claims are somewhat analogous to an example presented in the “Overview of Interim Guidelines for Subject Matter Eligibility” by Robert Weinhardt which currently appears on the USPTO web site. Examiner Moorthy indicated that he has recently received additional guidance in this matter in the form of an internal memo, and indicated that he had not yet fully absorbed the impact of that memo. The undersigned has no access to that memo and is therefore unable to directly address any additional guidance that such memo might contain. Mr. Moorthy indicated that I should state my case on the issue and he will present the claims to the §101 review panel. He further offered to work with the undersigned to make

appropriate amendments once the panel has reviewed the claims if such amendments are necessary. The undersigned appreciates the helpful attitude and willingness to work with the undersigned displayed during this interview by Examiner Moorthy. The undersigned further notes that he will be at the USPTO arriving on June 18, 2007 and leaving on June 20, 2007 and would be happy to meet personally with Examiner Moorthy if this will be helpful in resolving any remaining issues.

Regarding the Rejections under 35 U.S.C. §101

Claims 1, 16, 31, 62, 89, 102, 148, 150, 153 and 154 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter.

The undersigned disagrees with the interpretation of the rejected claims as containing no practical application. Encryption and decryption processes in and of themselves have many well established and documented. Such practical applications are well known and inherently have practical applicability in obscuring or unobscuring content that is to be protected. By way of example, some of the present claims have applicability in the field of encryption, transmission or decryption of television signals. In particular, the rejected independent claims are discussed below:

Claims 1, 16, 31 are directed to methods of encrypting a television signal. In each claim, the television signal is manipulated from an unencrypted form to a form that can be decrypted by use of either of two encryption methods. Once encrypted as claimed, the encrypted signal is distributed. This clearly produces a real world tangible result. In the above-referenced guidelines, the distribution feature is quite analogous to the example provided under the heading “Tangible” of calculating a price and conveying the price to a potential customer. These guidelines state that conveying the calculated price to a customer is a tangible result – much like encrypting a television signal and then distributing the signal to recipients. Applicant disagrees that the claim elements merely call out abstract ideas. In fact, the claims call for manipulation of a television signal in a manner that obscures the signal from unauthorized receipt, and then the signal is distributed. Clearly this is a tangible, real world result that qualifies as statutory. Reconsideration is respectfully requested.

Claims 62, 89, 102 and 148 are also believed clearly statutory as presented at least since decryption and decoding of a television signal inherently makes the television signal useful in a television decoding application, and since a television set top box or receiver thus has a practical application. In the spirit of cooperation, these claims have previously been amended to call for the decoding to permit display of content on a display device (to paraphrase without intent to impose further limitations) – clearly a practical application having real world tangible results. Reconsideration is respectfully requested.

Claims 150, 153 and 154 are also submitted to be clearly statutory. These claims are each apparatus claims that relate to receiver devices such as television set top boxes and call out the functional blocks contained within these devices that are used for decoding and decrypting a television signal. This is clearly statutory subject matter.

It is further noted that several of the comments in the Office Action are directed to limitations that do not appear in the claims being rejected (e.g., references to computer-readable medium). Applicant disputes that the claims are directed to nonfunctional descriptive material. The claims at issue are directed to statutory methods and apparatus.

Regarding the Rejections under 35 U.S.C. §112

Claims 1-30, 134 and 165 were rejected under 35 U.S.C. §101 as indefinite for failure to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended claims 1, 16, 134 and 165 as discussed above to more clearly indicate how the claims can result in multiple partially encrypted signals. Reconsideration and allowance are respectfully requested.

Regarding the Non-Statutory Double Patenting Rejection

The undersigned submits herewith a terminal disclaimer obviating the double patenting rejection. Reconsideration is therefore respectfully requested.

Concluding Remarks

No amendment made herein was related to the statutory requirements of patentability

unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references. Applicants reserve the right to present claims of scope similar to the unamended claims in a continuing application.

In view of this communication, all claims are believed to be in clear condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, or issues remain as a result of the Examiner conferring with the §101 panel that can be addressed, the undersigned respectfully requests the courtesy of an interview as previously agreed to as noted above in the current interview summary. The undersigned can be reached at the telephone number below.

Respectfully submitted,

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